

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MICHAEL FULLER,)	CASE NO. 1:08 CV 594
)	
Petitioner,)	JUDGE JAMES S. GWIN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
MARGARET BRADSHAW,)	<u>AND ORDER</u>
)	
Respondent.)	

On March 7, 2007, petitioner pro se Michael Fuller filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. Fuller is incarcerated in an Ohio penal institution, having been convicted in 1992 of rape (2 counts), aggravated burglary (2 counts), attempted felonious assault, kidnapping, assault and criminal trespassing, for which he received a sentence of 15-50 years. The instant petition seeks to challenge the denial of a state habeas corpus petition in which he asserted that, under Ohio statutory and case law, his sentence has expired. For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the

United States. Furthermore, the petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

The issue of whether or not Fuller's sentence has expired under Ohio law is an issue of state law. It is not the province of this court to reexamine state-court determinations on state-law questions. Estelle v. McGuire, 502 U.S. 62, 67-68 (1991). There is simply no basis set forth in the petition which arguably supports the proposition that the state law issue raised by Fuller implicates his federal constitutional rights.

Accordingly, the request to proceed in forma pauperis is granted, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED

Dated: May 7, 2008

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE